

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 DEC 14 AM 11:55

UNITED STATES OF AMERICA,

Plaintiff,

v.

Nestor LOPEZ Pompa

AKA's: Areli NAVARRETE

Raul RODRIGUEZ-Lopez

Daniel GARCIA-Lopez

Rorberto LOPEZ-Pena

Defendant.

Magistrate Case No.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 MJ 2900

BY: COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;

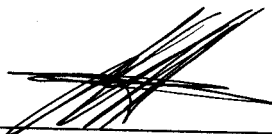
Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about, **October 16, 2007**, within the Southern District of California, defendant, Nestor LOPEZ Pompa (AKA's: Areli NAVARRETE, Raul RODRIGUEZ-Lopez, Daniel GARCIA-Lopez, Rorberto LOPEZ-Pena) an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Gladys M. Martinez, Deportation Officer

U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF **December** 2007.



UNITED STATES MAGISTRATE JUDGE

5/1/08

PROBABLE CAUSE STATEMENT

On October 16, 2007, the defendant Nestor LOPEZ-Pompa, who claimed his name to be Areli NAVARRETE, (AKA's: Raul RODRIGUEZ-Lopez, Daniel GARCIA-Lopez, Roberto LOPEZ-Pena) was arrested by the Escondido Police Department for violation of section 11550(a) of the California Health & Safety Code, UNDER THE INFLUENCE OF CONTROLLED SUBSTANCE and booked into Vista Jail where the defendant was encountered by an Immigration and Customs Enforcement Agent who conducted a field interview, determined the defendant to be a citizen of Mexico with no legal right to enter or remain in the United States and placed an Immigration Hold (I-247) pending his release from custody.

On December 13, 2007, at approximately 1145 hours, the defendant was referred to United States Immigration and Customs Enforcement custody. An Immigration and Customs Enforcement Officer reviewed various sources of information and conducted official record checks on the defendant. A thorough review of the defendant's official immigration record revealed he has the above aliases and is a citizen and national of Mexico having been previously deported or removed from the United States.

The Automated Biometric Fingerprint Identification System (IDENT) and Automated Fingerprint Identification System (IAFIS) were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant has used numerous other aliases including LOPEZ-Pompa, Nestor, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were obtained and also compared to the defendant, further confirming his identity.

A thorough review of official immigration computer database record checks revealed that the defendant was last ordered removed by an Immigration Judge on or about February 27, 1992 and removed on March 04, 1992, via El Paso Texas. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.